

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Handwritten signature/initials

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|--------------------------|---------------------|------------------|
| 09/740,565 | 12/18/2000 | Vaijayanthimala K. Anand | AUS9-2000-0592-US1 | 4520 |

7590 09/02/2004

Duke W. Yee,
Carstens, Yee & Cahoon, LLP
P.O. Box 802334
Dallas, TX 75380

EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT PAPER NUMBER

2154

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 09/740,565 | Applicant(s) ANAND ET AL. | |
| | Examiner Mohammad A Siddiqi | Art Unit 2154 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/10/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-26 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Chatwani et al. (5,739,685) (hereinafter Chatwani).

4. As per claims 1, 14, and 25, Chatwani discloses a method for retrieving client boot information in a network environment with multiple boot servers (col 4, lines 15-18), comprising:

sending from client an initial request for client configuration

information to a first boot server (CMS processor is client, fig 26, col 23 lines 17-26, col 34, lines 30-57);

if the client configuration information is not found on the first boot server (concept of the hunt group is used, CMS selects the devices from the hunt group to download the boot file and transfers to the switch, col 26, lines 54-67, col 27, lines 21-30, unavailability and alternative, col 32, lines 65-67), sending from the client a list request for a boot server list (concept of the hunt group is used for selection of the boot server, Hunt group contains the list of boot servers and CMS may select an alternate service which includes the selection process, col 29. A list of choices are inherent in the context of selection process from the hunt group, col 26, lines 54-67, col 27, lines 20-29) to the first boot server (col 12, lines 5-6); receiving at the client the boot server list (CMS is acting as a client, col 29); and sending from the client a configuration information request (col 26, lines 12-16) for the client configuration (col 26, lines 12-16) information to each server (col 12, lines 5-6) in the boot server list (col 33, lines 16-54, first to next shows the order) until the client configuration information is found (col 32, lines 65-67) or a request has been sent to every server in the boot server list (fig 23(a)-24, clearly shows the CMS is identifying a boot server based on the BFQ message, col 33, lines 33-45, col 33, lines 16-54).

5. As per claims 10, 21, and 26, are rejected for the similar reason as described in above claim 1, in addition to boot server communication with the client (unavailability or other factors includes error, CMS and boot server, col 27, lines 25-29, lines col 34, lines 7-57).
6. As per claims 2, 11,15, and 22, Chatwani discloses at least one of the initial request (col 34, lines 20-23), the list request (col 34, lines 20-23), and the configuration information request is a trivial file transfer protocol request (col 26, lines 12-16)
7. As per claims 3, 16, Chatwani discloses receiving, from the first boot server, an error message that indicates that the client information is not found on the first boot server (unavailability or other factors includes error, CMS and boot server, col 27, lines 25-29, lines col 34, lines 7-57).
8. As per claim 4, Chatwani discloses receiving the client configuration information from an associated boot server in response to the client configuration information being found (col 34, lines 13-15, selected means associated).

9. As per claim 5, Chatwani discloses sending a boot file request for remaining boot files to the associated boot server based on the client configuration information (col 34, lines 13-15, selected means associated).

10. As per claims 6, and 18, Chatwani discloses determining whether the: entries in the boot server list were pre-ordered (col 33, lines 16-31, first to next shows the order), in order to better support load balancing (col 26, lines 48-54) among boot servers (col 33, lines 32-41, prior to transmission to the client (col 33, lines 32-41); and

if the list is found to be ordered (col 33, lines 16-31, first to next shows the order), sending a configuration information request for the client configuration information to each server in the boot server list in the order given (col 33, lines 16-54, first to next shows the order).

11. As per claims 7 and 19, and 23, Chatwani discloses sending a configuration information request for the client configuration (fig 2, element 203, col 11, lines 15-20) information to each server in the boot server list in order of: increasing network distance (col 6, lines 15-16), where distance is estimated from available network configuration information (col 6, lines 5-16) when there was no indication that the order of the original boot server

(col 12, lines 5-6) list was optimized in order to better support load balancing (col 26, lines 48-54).

12. As per claims 8 and 20, Chatwani discloses wherein the method is performed by a network bootstrap program (col 5, lines 29-45).

13. As per claim 9, Chatwani discloses wherein the method is performed on a client computer (col 34, lines 18-20).

14. As per claim 12, Chatwani discloses adding an indication to the boot server list to inform the client that the list is being provided in optimal order to support load balancing among boot servers (col 26, lines 48-51 and col 6, lines 15-16).

15. As per claims 13 and 24, Chatwani discloses wherein the method is performed on a boot server (col 34, lines 34-57).

16. As per claim 17, Chatwani discloses means for receiving the client configuration information from an associated boot server in response to the client configuration information being found (col 33, lines 16-54, first to next shows the order); and means for sending a boot file request for remaining

boot files to the associated boot server based on the client configuration information (col 34, lines 13-15, selected means associated).

Response to Argument

17. Applicant's arguments filed 06/10/04 have been fully considered but they are not persuasive, therefore rejection to claims 1-26 is maintained.

In response to applicant's argument "Chatwani does not teach sending from a client an initial request for client configuration information to a first boot server", Page 9, the examiner respectfully disagrees. Chatwani teaches sending from client an initial request for client configuration information to a first boot server (CMS is a client, 202, fig 23, col 23 lines 17-26 and col 34, lines 30-57); if the client configuration information is not found on the first boot server (concept of the hunt group is used, CMS selects the devices from the hunt group to download the boot file and transfers to the switch, col 26, lines 54-67, col 27, lines 21-30, unavailability and alternative, col 32, lines 65-67), sending from the client a list request for a boot server list (concept of the hunt group is used for selection of the boot server, Hunt group contains the list of boot servers and CMS may select an alternate service which includes the selection process,

col 29. A list of choices are inherent in the context of selection process from the hunt group, col 26, lines 54-67, col 27, lines 20-29) to the first boot server (col 12, lines 5-6); receiving at the client the boot server list (CMS is acting as a client, col 29); and sending from the client a configuration information request (col 26, lines 12-16) for the client configuration (col 26, lines 12-16) information to each server (col 12, lines 5-6) in the boot server list (col 33, lines 16-54, first to next shows the order) until the client configuration information is found (col 32, lines 65-67) or a request has been sent to every server in the boot server list (fig 23(a)-24, clearly shows the CMS is identifying a boot server based on the BFQ message, col 33, lines 33-45, col 33, lines 16-54). Therefore, limitations are met by the reference.

In response to applicant's argument "Chatwani does not teach receiving, from the first boot server, an error message", Page 15, the examiner respectfully disagrees. Chatwani teaches sending from the first boot server (lines col 34, lines 7-57), an error message that indicates that the client information is not found on the first boot server (unavailability or other factors includes error, CMS and boot server are communicating via BFQ messages, fig 26, col 27, lines 25-29, lines col 34, lines 7-57).

18. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

19. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 5,870,554 teaches Server Selection method where a client for remote booting.

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

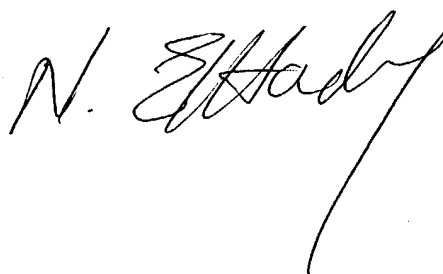
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (703) 305-0353. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-

8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS

A handwritten signature in black ink, appearing to read "N. El Hadj", with a long, sweeping vertical stroke extending downwards from the end of the signature.